

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MAY 27, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: December 17, 2008
March 11, 2009
April 29, 2009
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-004 (QUALITY VETERINARY SERVICES ANIMAL HOSPITAL)

APPLICANT: Marcus Kemmerer, 228 Crest Avenue, Huntington Beach, CA 92648
PROPERTY OWNER: Brookhurst Shopping Center LLC, 8294 Mira Mesa Blvd, San Diego, CA 92126
REQUEST: To permit the establishment of a full service veterinary hospital including medical services, vaccinations, surgery, and grooming in an existing commercial shopping center.
LOCATION: 6832 Edinger Avenue, 92647 (southwest corner of Edinger Avenue and Goldenwest Street)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Nguyen stated that staff had received no public comments.

Mr. Ramos noted that he was aware that a noise study had been conducted and asked staff to summarize the results and recommendations of the study. Ms. Nguyen stated that the noise study concluded that there were potential noise impacts and that the rear door and door nearest the storage area would need to be equipped with a sound rating system and be closed at all times to mitigate the impact.

Mr. Ramos asked if the noise study was based on compliance to the city's noise ordinance. Ms. Nguyen confirmed this.

THE PUBLIC HEARING WAS OPENED.

Marcus Kemmerer, applicant, stated that he had reviewed the staff report and had no comments or concerns. He stated that the business owner initiated the noise study to curtail any potential noise impacts to surrounding residents. He had no objections or concerns with the suggested conditions of approval.

Mr. Ramos asked where the animals would be walked. Mr. Kemmerer stated that they would be walked at a small grassy area along Edinger Avenue. Mr. Ramos asked if there was any intention of walking the animals along the rear of the building and Mr. Kemmerer confirmed that there was not. Mr. Ramos asked if there was any objection to a condition requiring that the animals not be walked along the rear of the building. Mr. Kemmerer stated that he would not object to that additional condition.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, given the information provided, he could approve the request as recommended by staff with modifications to the findings and an additional condition prohibiting animals in the area behind the building adjacent to the single family residences.

CONDITIONAL USE PERMIT NO. 2009-004 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-004:

1. Conditional Use Permit No. 2009-004 for the establishment, maintenance and operation of a full service veterinary hospital including medical services, vaccinations, surgery, and grooming within a vacant suite of an existing commercial shopping center will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not generate traffic, demand for parking, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The project site is separated from the adjacent residential development to the west by a 20-foot wide paved loading area, providing an adequate buffer from any potential impacts.

In addition, the installation of doors with special sound rating will be required as a condition of approval to minimize the potential noise impacts to the adjacent residential development.

2. The conditional use permit will be compatible with surrounding uses because the veterinary hospital will be within an existing commercial center with other similar service related uses. The proposed use will be located in a fully enclosed suite buffered from residential land uses to ensure no detrimental impact. In addition, the facility will be soundproofed to ensure project compliance with the Huntington Beach Noise Ordinance.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and any specific condition required for the proposed use in the district in which it would be located. The proposed use is permitted in the CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the HBZSO – *CO, CG, and CV Districts: Land Use Controls*. The project is located within an existing shopping center and will not affect the previously approved parking, landscaping, setbacks or building height.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

The requested conditional use permit will accommodate new development by allowing the establishment of a full service veterinary hospital. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses consistent with the Land Use and Density Schedules in the General Plan and is compatible with surrounding commercial development. In addition, sound attenuation measures are incorporated into the project design to ensure the protection of residential properties from potential noise impacts.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-004:

1. The site plan and floor plan received and dated May 11, 2009 shall be the conceptually approved design with the following modifications:

- a. The rear access door and the door by the storage area shall be installed with a special door assembly with a laboratory sound rating of at least Sound Transmission Class (STC) 36. Both doors shall be equipped with an automatic closing device.
2. The use shall comply with the following:
 - a. All exterior rear doors along the southerly building wall to the veterinary hospital shall remain closed at all times.
 - b. Hours of operation of the veterinary hospital shall be between 7:00 AM and 9:00 PM, seven days a week.
 - c. Overnight care shall be permitted in conjunction with medical care only. No animal boarding or kenneling shall be permitted.
 - d. No animals shall be allowed in the area at the rear of the building, adjacent to residential uses.
 - e. The staff of the veterinary hospital shall clean up after the animals that are taken outside and all landscaping and hospital grounds shall be permanently maintained in a neat and clean manner.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:41 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 17, 2009 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc